

April 21, 2015

Zoning Committee Public Hearing
Public Hearing
Bruesehoff/Huber

This public hearing was called to order at 1:10 p.m. by Zoning Committee Member Dan Shanahan, who will be standing in for Chairman Bob Schneider, who is not in attendance here today. This hearing has been posted and published as is required by Wis. Stats and LdF Zoning Ordinance 93-4.

Introductions were made. Zoning Committee members present were: Dan Shanahan, standing in for Chairman Bob Schneider, Dedie Hanson, Rob Milburn and Janet Konopacki. Also present representing the Town is Sue Ackland, Town Zoning Administrator and Nancy Edwards standing in for Teri Shaw, Zoning Committee Secretary.

Also present at this time is Greg Maines from Maines and Associates representing the Bruesehoff and Huber families.

Mr. Maines has turned in 5 green cards today and 1 was returned undeliverable.

On today's agenda is the request from the Bruesehoff's and Huber's to subdivide their property into 3 lots.

The committee has viewed the property and asked Mr. Maines what the proposed plans were.

Mr. Mains: The Bruesehoffs came in to the Lac du Flambeau Zoning Department last year (2014) to rezone their property from forestry to single family residential. The property has been in their family for almost 100 years. It gets complicated when you have multiple families owning one parcel. At this point they still will be the owners but propose to split the property amongst the family. The plan is that Richard and Naomi Bruesehoff would own lot 2 and the Hubers will own lot 3 and that both the Bruesehoffs and the Hubers would jointly own lot 1. This lot (lot 1) could not be made into 2 separate lake lots, there isn't enough lake frontage. Both families would like to have some restrictions and covenants that would protect the lot and limit what could be done on lot 1 moving into the future.

The Bruesehoffs will be coming in to the Zoning Department this spring to obtain a building permit to build a home on lot 2. When I spoke with Sue Ackland there were some concerns as far as the set back line to the existing structure on lot 3. We designed it with maintaining a minimum of a 15 foot side yard setback. Sue said that the line could be interpreted as a rear line requiring a 40 foot setback per the Lac du Flambeau Town Ordinance. With a multitude of roads and driveways running through there we were hoping that the East line would be considered the rear yard line which is obviously more than 40 feet and that the lake side or back side of the lot would be considered either the side or front yard setback.

Sue Ackland: There are two ways we could look at this. For lot 1 starting at the lake – and just for lot 1 – I would be interpreting that back to the iron pipe as the back lot line, with the 214 foot line as the rear for lot 1. Then again the 50 foot to the North side as another side lot line and also the long lot line for lots 2 and 3 would be considered side lot lines. Because it's a side for lot 1 it could still be a side or rear for lot 3. We thought that we would let the Lac du Flambeau Zoning Committee discuss this and decide. I really have no problems with it either way. There are so many driveways going through back there and there is no Town Road that makes the front or back. The lake makes the front for lot 1, that's a given, but it's up in the air for lot 2. Zoning Administrators can make an interpretation and I will go with whatever the Lac du Flambeau Zoning Committee recommends.

Greg Maines: One thing that I suggested to Sue is that for clarification in the future, we could designate it right on the certified survey map that for setback purposes the East lines on lot 2 and 3 are considered to be the rear lot lines. So in the future a Zoning Administrator doesn't issue a permit with a different assumption than what was at the granting this approval.

Discussion took place on the location of the lot line on the proposed lots.

Rob Milburn: Could a future owner of lot 1 build a house on that parcel?

Greg Maines: Yes, it meets all of the required setbacks per the Lac du Flambeau Zoning Ordinance.

Discussion took place about the language regarding the location of the lot lines and how it would need to be changed and recorded into permanent record.

The Lac du Flambeau Zoning Committee discussed Sue Ackland, Lac du Flambeau Zoning Administrator recommendations for the lot lines for each respective lot.

The Zoning Committee discussed that a motion be made contingent upon 2 conditions being met.

1. That notation be placed on the final recorded certified survey map to designate that the East line of lots 2 and 3 as the rear lot line of the properties.
2. That soil boring test results be turned into the Town.

Dan Shanahan: Has there been any correspondence in regards to this proposed subdivision?

Sue Ackland: No, there hasn't been any letters or calls.

Discussion took place on access to the lots.

It was determined that access to each of the 3 lots including all utilities are easement roads coming off Miterwald Lane and was stated in recorded documents.

Dan Shanahan standing in as Chairman asked if the Committee had any further questions and/or concerns. Hearing none, asked if anyone would like to make a recommendation at this time.

Rob Milburn: I move to make a recommendation to the Lac du Flambeau Town Board to approve this subdivision as it was presented to us here today. Noting that the soil boring report would need to be turned in and that the notation being placed on final certified survey map designating that the East line of lots 2 and 3 as the rear lot line before any further action would be taken.

Dedie Hanson: I second this recommendation.

Dan Shanahan asked for a vote.

Rob Milburn: In favor.

Dedie Hanson: In favor.

Janet Konopacki: In favor.

Dan Shanahan: In favor.

Dan Shanahan: All in favor, passed with the following conditions to be met before this will go before the Town Board for approval:

1. The soil boring report must be turned in.
2. That the language on the final certified survey map be changed designating which lot line will be considered the rear line.

This meeting was adjourned at 1:25 pm.

Respectfully submitted,

Teri Shaw
Secretary Zoning Committee

THERE IS A TAPE RECORDING OF THIS PUBLIC HEARING ON FILE AT THE TOWN OF LAC DU FLAMBEAU OFFICES.